

## **CITY UTILITIES COMMITTEE**

### **MINUTES**

**JANUARY 13, 2009**

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, January 13, 2009 at 9:20 a.m.**, in Committee Room #2. The following members were present:

**The Honorable Carla Smith, Chair**  
**The Honorable Ceasar C. Mitchell, Vice-Chair**  
**The Honorable Natalyn M. Archibong**  
**The Honorable Clair Muller**  
**The Honorable Howard Shook**  
**The Honorable Ivory L. Young, Jr.**  
**The Honorable Joyce Sheperd**

Others present at the meeting were: Councilmember Felicia A. Moore; M. Theresa Stewart, Renee Sheperd, Robin Shahar and Stephanie Grant, Law Department; Commissioner Robert Hunter, Deputy Commissioners Sheila Pierce, Sally Mills and George Barnes, Department of Watershed Management; Commissioner Joe Basista, James Swope and Madelyn Grant, Department of Public Works; Commissioner Dianne Harnell Cohen, DPRCA; members of the public, press and Council Staff.

Chair Smith called the meeting to order at 9:20 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF THE AGENDA - AMENDED TO ADD ONE RESOLUTION**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**
- D. ELECTION OF VICE-CHAIR Councilmember Young made a motion to elect Councilmember Ceasar C. Mitchell as Vice-Chair. The vote was unanimous.**
- E. THE BUSINESS RECYCLING TASK FORCE RECOMMENDATIONS - COUNCILMEMBER ARCHIBONG**

**CONSENT**

**F. ORDINANCES FOR FIRST READING**

- 09-O-0006 ( 1)     An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Budget (Water and Wastewater Renewal and Extension Fund (5052 – 2J21) Commercial Paper Series I) in the amount of the \$1,423,750.00 to transfer funds from the Capital Projects Reserve for Appropriations and add to appropriations for land and easement accounts for the following Projects; Camp Creek Basin Relief, Proctor Creek Basin Relief, South River Basin Relief, Sandy Creek Basin Relief, Custer Ave. (Stockade) Sewer Separation, Fairburn Road Pump & Water Mains & South-West Main Improvements; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

- 09-O-0007 ( 2)     An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Budget (Water and Wastewater Renewal and Extension Fund (5052 – 2J21) Commercial Paper Series I) in the amount of the \$4,443,440.00 to transfer funds from appropriations in Sewer Group 1 Rehabilitation (Land & Easement) and Sewer Group 2 Rehabilitation (Land & Easement) Accounts and add to the Capital Projects Reserve for use on other Capital Projects; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

**REGULAR**

**G. ORDINANCE FOR SECOND READING**

- 08-O-2421 ( 1)     A **Substitute** Ordinance by City Utilities Committee authorizing the Mayor or her designee, to waive certain provisions under Sections 2-1541(d) and 2-1545(d) of the City of Atlanta Code of Ordinances authorizing the Mayor or her designee to enter into an agreement with the Georgia Department of Transportation to purchase permanent and/or temporary easements including donation of the necessary rights-of-way for the construction of the Harris Homes Pedestrian Improvement Project, Hollywood Road Livable Communities Initiative, Moores Mill Extension and Marietta Boulevard Streetscape Projects; and for other purposes.  
(Councilmember Shook made a motion to approve on substitute.)

**FAVORABLE ON SUBSTITUTE**

- 09-O-0100 ( 2)     An Ordinance by Councilmember Clair Muller authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain Subdivision SD-08-016 (161 Blackland Road, NW) applicant deposit a dollar amount \$3,900.00 equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 8; and for other purposes.  
(Councilmember Muller made a motion to approve.)

**FAVORABLE**

**H. RESOLUTIONS**

- 09-R-0008 ( 1)     An **Amended** Resolution by City Utilities Committee to correct Resolution Number 08-R-1482 adopted by the City Council on August 18, 2008 and approved by the Mayor on August 26, 2008 by deleting incorrect verbiage and dollar amounts and inserting in lieu thereof the correct Fund Department Organization and Account Numbers; and for other purposes.  
(Councilmember Muller made a motion to approve as amended.)

**FAVORABLE AS AMENDED**

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**RESOLUTIONS (CONT'D)**

- 09-R-0009 ( 2)     A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 1 to expand the Scope of Work for Contract Item Agreement GDOT Project MLP-70(25) with the State of Georgia Department of Transportation for the construction of additional water facilities, in conjunction with the Fulton Industrial Boulevard/SR Widening Project, on behalf of the Department of Watershed Management, in an amount not to exceed \$70,000.00; all contracted work shall be charged to and paid from Fund Department Organization and Account Number: 5052 (Water & Wastewater Renewal & Extension Fund) 170215 (DWM Wastewater Sewer Repair) 5414002 (Facilities other than Buildings/Infrastructure-CIP) 4333000 (New Sewer Services) and Project Account Task Expense and Organization Number: 17102654.101.505281387.5414002.COA; and for other purposes.  
**(Councilmember Muller made a motion to approve.)**

**FAVORABLE**

- 09-R-0010 ( 3)     A Resolution by City Utilities Committee authorizing the Mayor to execute Amendment No. 1 for the Intergovernmental Cost Sharing Agreement for Technical Assistance Regarding Water Supply with the Atlanta Regional Commission (ARC) on behalf of the Department of Watershed Management in an amount not to exceed \$400,000.00; all contracted work shall be charged to and paid from Fund, Department Organization and Account Number 5051 (Water and Wastewater Revenue Fund) 170401 (DWM Drinking Water Administration) 5212001 (Consultant/Professional Services) 4410000 (Water Administration); and for other purposes.  
**(Councilmember Smith made a motion to file.)**

**FILE**

**RESOLUTIONS (CONT'D)**

- 09-R-0011 ( 4)     A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 3 with Tag Grinding, Inc., for FC-6005007900, Annual Contract for Yard Trimmings Program in an amount not to exceed \$560,000.00, on behalf of the Department of Public Works; to increase the funding to cover the remaining contract during Fiscal Year 2009 and to continue the Yard Trimmings Program with all contracted work being charged to and paid from FDOA: 5401 (Solid Waste Revenue Fund) 130208 Yard Trimmings Processing) 5212001 (Consulting/Professional Services); and for other purposes.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE (1 NAY) MULLER**

- 09-R-0012 ( 5)     An **Amended** Resolution by City Utilities Committee authorizing the Mayor to execute Amendment No. 7 to the Indenture of Lease between the City of Atlanta and the Atlanta Botanical Garden, Inc., for the purpose of defining the construction and use of certain City of Atlanta properties owned, operated and maintained for water and sewer purposes, by and through the Department of Watershed Management; to grant and execute such easements, licenses or rights of entry on and across such properties for the construction and uses contemplated by Amendment No. 6 to said Indenture of Lease; to execute such other documents necessary to effectuate the purposes described herein; and for other purposes.  
**(Councilmember Shook made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

- 09-R-0013 ( 6)     A Resolution by City Utilities Committee authorizing the Mayor, on behalf of the City, to execute Agreement between the City of Atlanta and the Piedmont Park Conservancy, Inc., for the purpose of defining the construction and use of certain City of Atlanta properties owned, operated and maintained for water and sewer purposes, by and through the Department of Watershed Management; to grant and

**RESOLUTIONS (CONT'D)**

execute such easements, licenses or rights of entry on and across such properties for the construction and uses contemplated by the North Woods Master Plan; to execute such other documents necessary to effectuate the purposes described herein; and for other purposes.

**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

**I. PAPERS HELD IN COMMITTEE**

- 06-O-0937 ( 1)     An Ordinance by Councilmember Clair Muller as substituted by City Utilities Committee to amend Article VII of Chapter 74 entitled "*Riparian Buffer Requirements*"; to officially change the administrating Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes. **(Referred by back Council 10/20/08) (Held 10/28/08 at the request of the author)**
- 07-R-1214 ( 2)     A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Jacobs/PRAD/PBS & J, Joint Venture, for FC-7619-03D, Annual Contract for Architectural and Engineering Services, White Paper Study for the Policy Level Analysis of Security Options for Drinking Water Assets, in an amount not to exceed \$48,250.48; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q12001 (Watershed Security); and for other purposes. **(Held 6/12/07 at the request of Councilmember Shook for further review.)**
- 07-O-1521 ( 3)     An Ordinance by Councilmember Natalyn M. Archibong to amend Chapter 138 of the Code of Ordinances of the City of Atlanta so as to create a new Article VIII to be entitled "Outdoor Dining Areas"; to amend Article II of Chapter 138 so as to create a new Division 8 to be entitled "Outdoor Dining Areas"; to establish procedures for the authorization of restaurants that wish to provide Outdoor Dining Services; and for other purposes. **(Held 7/31/07) (Work sessions held 9/13/07 & 10/12/07)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 07-O-2505 ( 4)     An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Mary Norwood, Joyce Sheperd, Anne Fauver, Natalyn M. Archibong, Clair Muller, Caesar C. Mitchell and Ivory L. Young, Jr. **as amended by City Utilities Committee** amending Section 130-84 (Rates and Charges) of the Code of Ordinances of the City of Atlanta for the purpose of eliminating the Solid Waste Frontage Fee; and for other purposes. **(Amended and held 11/27/07 for further review.)**
- 07-O-2604 ( 5)     An Ordinance by Councilmember Clair Muller to amend Part 15, Section 15-09.004 of the City's Land Subdivision Ordinance in the City of Atlanta's Code of Ordinances for the purpose of defining sanitary sewer connection requirements for Land Subdivisions; and for other purposes. **(Held 12/11/07 for further review.)**
- 07-O-2605 ( 6)     An Ordinance by Councilmember Clair Muller to amend Chapter 154, Utilities, Article IV, Sewer Construction and Assessments, Division 1 of the City Code of Ordinances for the purpose of defining Sanitary Sewer Connection Requirement; and for other purposes. **(Held 12/11/07 for further review.)**
- 08-O-0481 ( 7)     An Ordinance by City Utilities Committee amending the 2008 (1994, 1997 G. O. Public Improvement Bond Fund) Budget by transferring from and to appropriations in the amount of \$2,023,948.81, to fund the Assets Management and Improvement Program; and for other purposes. **(Held 4/1/08 for further review.)**
- 08-O-1000 ( 8)     An Ordinance by Committee on Council to amend Chapter 154, Article II (Entitled "Water and Sewer Billing and Collection Procedures"), Section 154-26 of the Code of Ordinances of the City of Atlanta, so as to revise Subsection 154-26(d) which contains maximum yearly term requirements of the Water and Sewer Appeals Board at variance with provisions set out at Section 2-1854 of the Code of Ordinances that establishes terms of Office for Boards and Commissions; to waive conflicting ordinances; and for other purposes. **(Held 5/13/08 for further review.)**

**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-O-1213 (9) An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell to amend Chapter 130, Solid Waste Management Division 1, Section 130-37(b)(6) by deleting subsection (d). **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**
- 08-O-1215 (10) An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell requiring the initiation of a Pay-As-You-Throw or Volume-Based Billing Collection Program for Solid Waste Services in the City of Atlanta. **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**
- 08-O-1217 (11) An Ordinance by Councilmember Clair Muller eliminating "Front Footage" billing on Solid Waste Services Bill and adding to the bill an amount for "Common Good Services" citywide for right-of-way cleaning where needed. **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**
- 08-R-1445 (12) A Resolution by Councilmember Carla Smith authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$\_\_\_\_\_ as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards \_\_\_\_\_ pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes. **(Held 7/15/08) (Dummy paper)**
- 08-O-1689 (13) An Ordinance by Councilmember Carla Smith authorizing a new appraisal for the purchase by the City of a twelve foot (12') strip of land along the rear property line of 1144 and 1200 Avondale Avenue, lying and being in Land Lot 23 of the 14<sup>th</sup> District, Fulton County, Georgia; and for other purposes. **(Held 8/26/08 for further review)**



**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-O-1922 (14) An Ordinance by City Utilities Committee authorizing the Mayor to enter into an Agreement to allow Vulcan Materials Company, LP to access the property known as the Bellwood Quarry to fulfill its reclamation obligations to the State of Georgia and the City of Atlanta; and for other purposes. **(Held 10/28/08 at the request of the department.)**
- 08-O-2139 (15) An Ordinance by Councilmembers Mary Norwood and Carla Smith to amend the City of Atlanta Code of Ordinances, Part 154, Division IV, Section 154-297, to recoup the cost to the City of Enforcement of the Grease Management Ordinance; to clarify the permit process; and for other purposes. **(Held 10/28/08 at the request of the author)**
- 08-R-2162 (16) A Resolution by City Utilities Committee authorizing the Mayor on behalf of the City of Atlanta, to enter into a Memorandum of Understanding, with the Georgia Department of Transportation, for Project Management, Preliminary Engineering Design Activities and Construction and the acquisition of rights-of-way of certain improvements, for Transportation Enhancement Project No. CSTEE-0009-00(023), East Atlanta Sidewalks, Fulton County; and for other purposes. **(Held 11/10/08 at the request of the Department of Public Works.)**
- 08-R-2163 (17) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into a Lease Agreement with LAZ Parking Limited, LLC, on behalf of the Department of Watershed Management; for the lease of real property at 135 Forsyth Street, SW; providing the terms of such agreements, directing the City Attorney to prepare and approve as to form all necessary documents; and for other purposes. **(Amended and held 11/10/08 at the request of the Department of Watershed Management.)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

08-R-2419 (18) A Resolution by City Utilities Committee authorizing the Mayor to enter into an appropriate contractual agreement with, \_\_\_\_\_, for FC-4750 Automation of Hemphill Chattahoochee Water Treatment Plants on behalf the Department of Watershed Management, in an amount not to exceed \_\_\_\_\_ that all services for said contracted work shall be charged to and paid from \_\_\_\_\_ (to built by Finance Department); and for other purposes. **(Held 12/9/08 for further review.)**

**J. REQUESTED ITEM**

1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at some date in the future.

**K. ITEM NOT ON THE AGENDA**

**RESOLUTION**

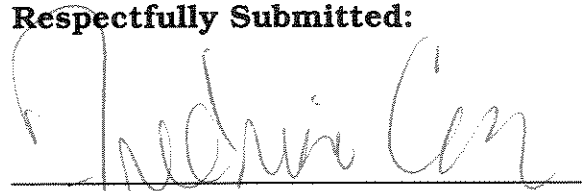
09-R-0104 ( 1) An **Amended** Resolution by the City Utilities Committee regarding the Department of Watershed Management's Commercial and Residential billing practices and policies; and for other purpose.  
**(Councilmember Shook made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

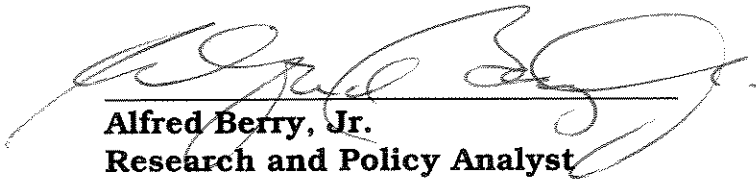
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**There being no further business to come before the Committee, the meeting was adjourned at 11:35 a.m.**

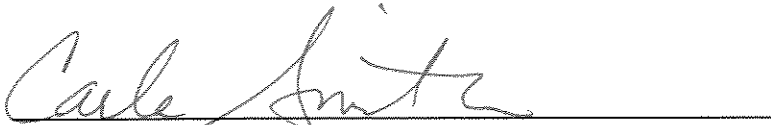
**Respectfully Submitted:**



**Fredrica Cooper**  
**Legislative Assistant**



**Alfred Berry, Jr.**  
**Research and Policy Analyst**



**The Honorable Carla Smith, Chair**  
**City Utilities Committee**